

LAW OFFICE OF  
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August 5, 2021

**VIA CM/ECF AND EMAIL**

Judge Nancy E. Brasel  
United States District Judge  
Warren Burger Federal Courthouse, Room 3A  
316 North Robert Street  
St. Paul, MN 55101

Re: United States v. Matthew Lee Rupert  
Federal Criminal Case No. 20-104 (NEB/TNL)

Dear Judge Brasel:

I am writing to advise the Court of some complications with the upcoming sentencing hearing that may or may not necessitate a continuance.

First, the defense previously retained Peter Dahl, a fire investigation expert to assist in this case, and had intended for him to testify at the sentencing hearing. It turned out that the expert was not willing to fully review and prepare a report until CJA funds were approved. Although I submitted the funding request on June 23, 2021, it was not approved by the 8th Circuit until August 2. The expert was out of town from last week until today and now informs me that he does not have time to fully review evidence and prepare a report by August 10. I am not sure if I will need this expert to testify. That will depend on the testimony and evidence from the government.

Second, the government has attacked the expert report of the forensic psychologist hired by the defense. It is not clear from the attack whether the validity of her findings are being attacked to an extent that would make it necessary for her to testify.

I do not want to request a continuance for witnesses that do not turn out to be necessary, but also do not want to forgo an opportunity to call witnesses who may be material to the defense. My suggestion is therefore to proceed with the hearing on August 10, and then determine whether to proceed with sentencing or schedule a further hearing. However, I will

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await the Court's guidance.

Sincerely,

s/Jordan S. Kushner  
Jordan S. Kushner

cc: Ms. Angela Munoz and Mr. Jordan Sing (via CM/ECF)  
Mr. Matthew Rupert